

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Highwater Ethanol, LLC
24500 US Highway 14
Lamberton, Minnesota 56152**

ATTENTION: Brian Kletscher, CEO

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Highwater Ethanol, LLC (Highwater or you) to submit certain information about the facility at 24500 US Highway 14, Lamberton, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Highwater owns and operates an emission source at the Lamberton, Minnesota facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan.

Highwater must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Highwater must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

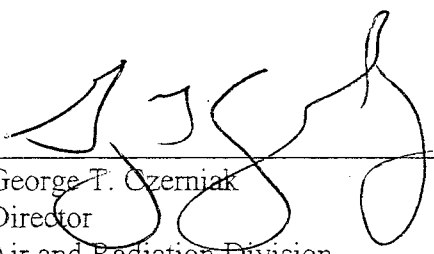
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Highwater to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Manoj P. Patel at (312) 353-3565 or patel.manojkumar@epa.gov.

Date

9/10/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*,

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Highwater Ethanol, LLC (Highwater) must submit the following information for its facility located at 24500 US Highway 14, Lamberton, Minnesota (facility) pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a):

1. Provide map(s) or drawing(s), identifying all air emissions sources and associated processes at the facility, including, but not limited to: grain receiving and handling operations, corn storage bins, hammer mills, fermentation processes, thermal oxidizers, distillation processes, dryers, ethanol loading systems, scrubbers, baghouses, and tanks.
2. Provide a copy of each current air permit issued to Highwater by the Minnesota Pollution Control Agency (MPCA) including, but not limited to, operating permits, construction permits, and permit amendments.
3. Provide a copy of all permit applications submitted to MPCA since March 2005.
4. Provide copies of all annual emissions reports submitted to MPCA for the facility from the facility's first day of operation to the present, and include:
 - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used; and
 - b. Any documents outlining procedures for calculating annual emissions.
5. Provide a list of all emissions tests conducted at the facility for any reason, from the facility's first day of operation to present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), and the production rate of the associated emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide copies of any Method 9 (visible emissions or opacity) readings performed at the facility from May 2010 to the present.

7. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, or equivalent documents submitted to MPCA or EPA for the facility since May 2010.
8. Provide records of monthly and 12-month rolling emissions of individual Hazardous Air Pollutants (HAP) and total HAP emissions for March 2010 to the present. Provide an explanation for how the numbers are calculated, including the source of any emissions factors used.
9. Provide records of the 12-month rolling sum of the following for May 2010 to the present:
 - a. Ethanol production, without denaturant (gallons/year); and
 - b. Corn throughput, based on 56 pounds per bushel (tons/year)
10. Provide a copy of the current operations and maintenance plan for each piece of air pollution control equipment.
11. Provide an electronic spreadsheet with the following information for the gas scrubber (CE003) from May 2010 to the present:
 - a. The recorded pressure drop across the scrubber;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The scrubber water flow rate and, for each reading, whether or not emissions were vented to the Regenerative Thermal Oxidizer (RTO);
 - e. The scrubber water flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The scrubber liquid additive flow rate and, for each reading, whether or not emissions were vented to the RTO;
 - g. The minimum scrubber liquid additive flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - h. The corrective action taken for each deviation from the minimum scrubber water flow rate;
 - i. The date and duration of all scrubber shutdowns;
 - j. The date and duration of periods that scrubber was not in operation but associated emission units were in operation; and
 - k. The date and duration of periods when the fermentation scrubber was vented directly to the atmosphere.
12. Explain how emissions ducted to the fermentation scrubber (CE003) are handled in the event of a scrubber shutdown.

13. Provide electronic spreadsheet with the following information for the RTO (CE004) from May 2010 to the present:
 - a. Daily records showing the hours of and reasons for the by-passing of the RTO when the Distillers Dried Grains with Solubles (DDGS) dryers (GP-006) are in operation;
 - b. Records of any corrective action taken in response to an RTO bypass;
 - c. The recorded hourly operating temperature and the three-hour rolling average temperature;
 - d. The minimum operating temperatures established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - e. The corrective action taken for each deviation from the minimum operating temperature;
 - f. Records of the calibration of the temperature monitor; and
 - g. Records of quarterly and annual inspections of the control equipment.
14. Provide an electronic Excel compatible spreadsheet listing the following hourly information from the nitrogen oxides (NO_x) continuous or predictive emissions monitoring system (CEMS) and the carbon monoxide (CO) CEMS, from the May 2010 to the present. The Excel compatible spreadsheet must include the following:
 - a. Date and time;
 - b. NO_x emission rate in pounds per million British thermal units (lb/mmBtu);
 - c. Raw NO_x in ppm;
 - d. CO emission rate in pounds per million British thermal units (lb/mmBtu);
 - e. Raw CO in ppm;
 - f. Dry oxygen (O₂) percentage;
 - g. Emissions in pounds using in 3 hours average;
 - h. RTO CE004 heat input in mmBtu;
 - i. A combined heat input in mmBtu from dryers identified as EU045 and EU046;
 - j. Gross heat input in mmBtu from the RTO (CE004), and the 2 DDGS dryers (EU045 and EU046); and
 - k. Identification of times when the emission data was excluded from the calculation of the average emissions and the reasons for excluding the data from the CEMS.
15. Provide the following information for each of the fabric filters in the groups GP-003 (Baghouses), GP-008 (Grain Receiving and DDGS Loadout), and GP-009 (Hammermills), from May 2010 to the present:
 - a. Calculations or assessments of the unit's capture efficiency and control efficiency for total particulate matter, particulate matter less than 10 microns (PM₁₀), and particulate matter less than 2.5 microns (PM_{2.5});

- b. The pressure drop operating range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. Records of visible emissions checks;
 - d. The recorded pressure drop across the filters;
 - e. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions;
 - f. Records of control equipment component inspections and annual hood evaluations; and
 - g. Documentation of periods when the fabric filter was not in operation but the associated emissions unit(s) were in operation.
- 16. From May 2010 to the present, provide an electronic spreadsheet with the daily beer feed rate at the beer stripper using the 24-hour average.
- 17. Provide an electronic spreadsheet with the following information for the DDGS dryer(s) GP-006 from May 2010 to the present:
 - a. The daily syrup feed rate in gallons per minute as a 24-hour average; and
 - b. The maximum syrup feed rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of the limit.
- 18. From May 2010 to the present, provide the total annual production capacity (in million gallons of denatured ethanol) for the facility. For months when the total capacity increased from the previous month, provide a brief explanation for the cause of the increase.
- 19. From May 2010 to the present, provide a list of operational changes made at the fermentation processes, including changes to the enzymes or microbes used in the process. For each change on the list, provide:
 - a. The date the change was implemented;
 - b. A description of the change;
 - c. An estimate of the impact on air emissions from the fermentation process and an explanation of how the estimate was calculated; and
 - d. Whether the change resulted in an increase of production.
- 20. For the facility's leak detection and repair program, provide the following, from the facility's first day of operation to the present:
 - a. A copy of all applicable notifications and reporting documents required by 40 C.F.R. § 60.487a;
 - b. Any permit deviation reports (quarterly compliance reports); and
 - c. A copy of the most recent leaking components monitoring log, which lists all components tested and the status of each component inspected during the monitoring period.

21. For storage tanks subject to the New Source Performance Standards for Volatile Organic Liquid Storage Vessels at 40 C.F.R. Part 60, Subpart Kb, provide records of all initial notifications and inspections from the facility's first day of operation to the present.
22. Provide the following information for each affected steam generating unit under 40 C.F.R. Part 60, Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units (NSPS Subpart Db) at the facility, from the facility's first day of operation to present:
 - a. Calendar date;
 - b. The 30-day average hourly NO_x emission rates (expressed as NO₂) (in lb/million Btu heat input) measured;
 - c. The 30-day average NO_x emission rates (in lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured hourly NO_x emission rates for the preceding 30 steam generating unit operating days;
 - d. Identification of the steam generating operating days when the calculated 30-day average NO_x emission rates are in excess of the NSPS Subpart Db standards;
 - e. Identification of the operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken;
 - f. Identification of times when emission data have been excluded from calculation of average emission rates and the reasons for excluding data;
 - g. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system;
 - h. Identification of "F" factor used for the calculations, the method of determination, and the type of fuel combusted;
 - i. Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3 of the 40 C.F.R. Part 60, Appendix B;
 - j. Results of the daily CEMS drift tests and quarterly accuracy assessments as required under Procedure 1, Appendix F of 40 C.F.R. Part 60;
 - k. Identify if the steam generating is an "affected" boiler under 40 C.F.R. Part 63, Subpart DDDDD, the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Industrial-Commercial-Institutional Boilers and Process Heaters;
 - l. Identify the fuel combusted in the steam generating unit;
 - m. The design heat input capacity (mmBTU/hour);
 - n. All oxygen levels measured in the flue gas (in hourly averages, on a dry basis);
 - o. Any permit deviation reports, including start-up, shut-down, and malfunction reports; and
 - p. Documentation of how the emissions factor(s) and the maximum hourly emission rates used by the facility to determine the CO, PM, sulfur dioxide (SO₂), VOC, and HAP emissions were derived.
23. From May 2010 to the present, provide records of the Fuel Loadout Flare (EU055) operations including the daily number of hours and the twelve month rolling total number of hours.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.